



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,610	09/23/2003	Ivano Gagliardi	CM2699	5608
27752	7590	02/16/2006	EXAMINER	
THE PROCTER & GAMBLE COMPANY INTELLECTUAL PROPERTY DIVISION WINTON HILL TECHNICAL CENTER - BOX 161 6110 CENTER HILL AVENUE CINCINNATI, OH 45224			HAND, MELANIE JO	
			ART UNIT	PAPER NUMBER
			3761	
DATE MAILED: 02/16/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/669,610

Applicant(s)

GAGLIARDI ET AL.

Examiner

Melanie J. Hand

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/23/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. EP 02021371.6, filed on September 24, 2002.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on September 23, 2003 was filed on the mailing date of the Application. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

Claim 5 is objected to because of the following informalities: the phrase "surface area extend of" appears to be a typographical error. Appropriate correction is required.

Claim 8 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The limitation that the liquid absorbent thermoplastic composition has a total absorbent capacity of 2 g/g is previously set forth in the independent claim 1 from which claim 8 depends.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 10-19 and 21-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Luizzi (EP 1,013,291 A1).

With respect to **Claims 1,2,8,10,11,12,16-19,26-29,34,35**: Luizzi teaches sanitary napkin 1 having body-facing cover layer 10, garment-facing barrier layer 20 and absorbent core 30 between the cover layer and liquid-impermeable barrier layer. A patterned coated layer of adhesive 50 is located between core 30 and barrier layer 20. Adhesive 50 is comprised of block copolymers, tackifying resin, and aqueous, liquid-absorbing thermoplastic hydrogel present in an amount between 1-60% by weight. ('291, ¶¶ 0009,0015,0017). Luizzi teaches that this adhesive contains superabsorbent material and therefore is capable of functioning as a storage layer. Luizzi teaches that the adhesive composition has an absorbent capacity of approximately 10 g/g. ('291, ¶ 0033) As can best be seen in Fig. 3, Luizzi teaches a coating pattern for said adhesive that forms a plurality of spaced apart, unattached zones.

With respect to **Claims 3,4,5,21,22,23**: Luizzi teaches a particle size for the SAP of less than 150 microns or 0.15 mm. ('291, ¶ 0018) Since zones of adhesive also comprise other particles, the area covered by a detached adhesive zone would be at least the area of an SAP particle, or

Art Unit: 3761

diameter of at least one SAP particle, or 0.15 mm. As can best be seen from any of Figs. 1, 3, 6 or 10, the coating layer 50 extends substantially the entire length and width of the article defining a rectangular area that would clearly have a total area greater than 1 cm².

With respect to **Claims 6,7,24,25**: As can best be seen in Fig. 1, Luizzi teaches a plurality of adhesive dots, circularly shaped.

With respect to **Claims 13,30**: Luizzi teaches a hot melt adhesive comprising an absorbent wherein the composition of the adhesive is 15% (all percentages by weight) block copolymer, 25% tackifying resin, 15% plasticizer and 0.5% antioxidant. ('291, ¶ 0032, lines 8-14).

With respect to **Claims 14,31**: Luizzi teaches a transfer layer 470 (Fig. 5) located between the cover layer and the core 430. ('291, ¶ 0024)

With respect to **Claims 15,32**: Since Luizzi teaches that adhesive coating 50 can also be disposed between cover layer 10 and core 30, which is comprised of superabsorbent fibers, therefore the adhesive coating capable of functioning as a storage layer overlies at least one fibrous layer.

With respect to **Claims 16,33**: Luizzi teaches a layer of hot melt adhesive 440 sprayed through a nozzle as foam onto a cover layer of a sanitary napkin 401. ('291, ¶ 0024)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luizzi ('291) in view of Keller et al (U.S. Patent No. 4,995,333).

With respect to **Claims 9,20**: Luizzi does not teach a particular amount of adhesive. Keller teaches a means for spray coating adhesive that teaches applying an amount of adhesive between 1-6 gsm on the outer cover 114 of diaper 110. ('333, Col. 21, lines 1-3) Keller teaches that this amount is 50% less than the conventional amount used yet still provides adequate structural integrity ('333, Col. 21, lines 5-14), therefore it would be obvious to modify the amount of adhesive applied to be in the range of 1.0-6.0 gsm as taught by Keller. Thus the combined teaching of Luizzi and Keller would yield an adhesive amount between 0.01 and 0.6 grams, given the scale of the article taught by Luizzi, and thus a total absorbent capacity for the adhesive 40 of approximately 0.1-6 grams.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie J. Hand whose telephone number is 571-272-6464. The examiner can normally be reached on Mon-Thurs 8:00-5:30, alternate Fridays 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Melanie J Hand
Examiner
Art Unit 3761

MJH

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'T Zalukaeva', with a long, sweeping horizontal stroke extending to the right.

Application/Control Number: 10/669,610
Art Unit: 3761

Page 7